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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,138	07/13/2004	Calum John Mackinnon	KC-0119	6072
34610	7590	06/30/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			OKEZIE, ESTHER O	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,138

Applicant(s)

MACKINNON, CALUM JOHN

Examiner

Esther O. Okezie

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 8, 11-14 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10, 15, 16, 18, 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 8, 11-14 and 17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 1-7,9,10, and 15-19 in the reply filed on 6/09/05 is acknowledged. The traversal is on the ground(s) that the proper species of the invention was not identified in regard to figures 5 and 6. Consequently since the structure of figure 5 including an eye-let aperture pad eye, is shown in the elected species figure 1, claims 15, 16, 18, and 19 are hereby included. However, figure 6 is drawn to a pad-eye structure a screw threaded shaft that is not shown in the elected species of figure 1. Claim 17 which is drawn to figure 6 has not been included.

Claims 8, 11-14, and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5, 15,16,18,19 are rejected under 35 U.S.C. 102(b) as being anticipated by Androski.

Art Unit: 3654

2. Re claim 1, Androski discloses a release hook for releasing a load supported on the hook, the hook including a pad-eye (7) for connecting the hook to a crane and an ejector lever (10) for releasing the load from the hook upon actuation of the ejector lever characterized in that the actuation of the ejector lever is provided by a motor (24) and a gearing means (27) located adjacent the ejector lever which moves the ejector lever upwards toward the pad-eye to eject the load (see figs 7 and 8).

3. Re claim 2, the motor is remotely operated, hence the title of the invention.

4. Re claim 3, motor is electric and driven from a battery located in the hook (column 3, lines 61-64).

5. Re claim 4, the hook comprises a housing having two interconnected generally 'C' shaped sections with the ejector lever being located at the base of the 'C' between the sections (see fig 1)

6. Re claim 5, sections are bolted together by pin (8).

7. Re claim 15, the pad-eye includes an eye-let aperture such that a link may be made between the pad-eye and the crane block of a crane (column 3, lines 25-40).

8. Re claim 16, the pad-eye comprises a shaft including connection means to a crane block (see figs 1-4).

9. Re claim 18, the pad-eye is swivel mounted on top of the hook (column 3, lines 35-48; see fig 3).

10. Re claim 19, the pad-eye includes a base of greater diameter than the shaft, such that the base (6) is retained between the two sections (4) of the housing while remaining rotatable with respect to the housing (column 3, lines 35-48; see fig 3).

Art Unit: 3654

11. Claims 1, 6,7,9,10 are rejected under 35 U.S.C. 102(b) as being anticipated by Delest.

12. Re claim 1, Delest discloses a release hook for releasing a load supported on the hook, the hook including a pad-eye (8) for connecting the hook to a crane and an ejector lever (1) for releasing the load from the hook upon actuation of the ejector lever characterized in that the actuation of the ejector lever is provided by a motor (34) and a gearing means (33) located adjacent the ejector lever which moves the ejector lever upwards toward the pad-eye to eject the load (figs 1-4).

13. Re claim 6, hook includes catch (29).

14. Re claim 7, catch comprises elongate member attached to ejector lever (see figs 1 and 2).

15. Re claim 9, gearing includes rack (30) and pinion (33; column 2, lines 65-68; column 3, lines 1-14).

16. Re claim 10, pinion is operable via the motor and the rack is located on the ejector lever (figs 1 and 2, column 2, lines 65-68; column 3, lines 1-14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Thurs 8-6:30.

Art Unit: 3654

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine A. Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EOO

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